

Application No. 10/595,640

December 9, 2008

Reply to the Office Action dated September 15, 2008

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REMARKS/ARGUMENTS

Claims 1-3 and 5 are pending in this application. By this Amendment, Applicant AMENDS claim 1.

The Examiner objected to the Drawings for allegedly failing to show every feature of the claims. Applicant has deleted the feature of the “transistor defines a switching element for a pixel electrode portion” from claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this objection to the Drawings.

Claims 1-3 and 5 were rejected under 35 U.S.C. § 102(e) as being anticipated by Choi et al. (U.S. 2005/0223986).

In accordance with MPEP § 201.15, Applicant has provided herewith a certified English translation of the Japanese Priority Application, JP 2003-404895, filed in the JPO on December 3, 2003, and a statement that the translation of the certified English translation is accurate. Thus, Applicant respectfully submits that Choi et al. does not qualify as prior art under 35 U.S.C. § 102(e) because the publication date of April 12, 2004 of Choi et al. is after the effective filing date of December 3, 2003 of the present application.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-3 and 5 under 35 U.S.C. § 102(e) as being anticipated by Choi et al.

In view of the foregoing amendments and remarks, Applicant respectfully submits that there is no outstanding rejection, and this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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